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E-Filed: December 15, 2006

Attorneys for Del and Ernestine Bunch

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

<input type="checkbox"/>	All Debtors
<input checked="" type="checkbox"/>	USA Commercial Mortgage Company
<input type="checkbox"/>	USA Securities, LLC
<input type="checkbox"/>	USA Capital Realty Advisors, LLC
<input type="checkbox"/>	USA Capital Diversified Trust Deed Fund, LLC
<input type="checkbox"/>	USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered under
Case No. BK-S-06-10725-LBR

EX PARTE APPLICATION FOR ORDER
SHORTENING TIME FOR HEARING ON
MOTION FOR ORDER TEMPORARILY
ALLOWING THE CLAIM OF DEL AND
ERNESTINE BUNCH FOR VOTING
PURPOSES

Date of Hearing: OST Pending
Time of Hearing: OST Pending
Place: Courtroom No. 3, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Hon. Linda B. Riegler

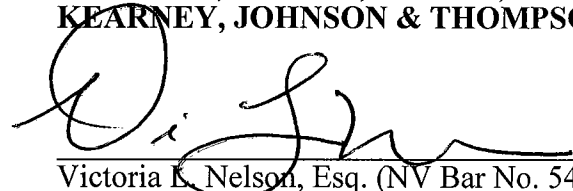
Del Bunch and Ernestine Bunch are unsecured creditors in this matter ("Unsecured Creditors") and submit this Ex Parte Application for Order Shortening Time to Hear Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes ("Application"). This Application is made and based upon Fed. R. Bankr. P. 9006 and L.R.

1 9006, the following memorandum of points and authorities, the Affidavit of Victoria L. Nelson
2 Esq., filed concurrently herewith, the Attorney Information Sheet filed contemporaneously with
3 this Application, and the papers and pleadings on file in this matter.

4 WHEREFORE, the Unsecured Creditors respectfully requests that this Honorable Court
5 grant this Application and issue an order shortening time to hear the Motion for Order
6 Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes (the
7 "Motion") and for such other relief as is just and proper.

8 DATED this 15th day of December, 2006.

9
10 **SANTORO, DRIGGS, WALCH,
KEARNEY, JOHNSON & THOMPSON**

11 

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18 *Attorneys for Del and Ernestine Bunch*

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 11 U.S.C. § 105 allows this Court to issue such orders as are necessary to carry out the
21 provisions of this title. Fed. R. Bankr. P. 9006(c)(1) generally permits a Bankruptcy Court, for
22 cause shown and in its discretion, to reduce the period during which any notice is given in
23 accordance with the Bankruptcy Rules. Bankruptcy Rule 9006(c)(1) provides as follows:

24 Except as provide in paragraph (2) of this subdivision, when an act
25 is required to be done at or within a specified time by
26 these rules or by a notice given thereunder or by order of court, the
27 court for cause shown may in its discretion with or without motion
28 or notice order the period reduced.

29 Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006 stipulates the procedure for obtaining an
30 order shortening the time for a hearing. According to Local Rule 9006(b), every motion for an

1 order shortening time must be accompanied by an affidavit stating the reasons for an expedited
2 hearing. The reasons for the expedited hearing are set forth in the Nelson Affidavit.

3 Local Rule 9006 requires the moving party to submit an Attorney Information Sheet
4 indicating whether opposing counsel was provided with notice, whether opposing counsel
5 consented to the hearing on an order shortening time, the date counsel was provided with notice
6 and how notice was provided or attempted to be provided. The Unsecured Creditors submit an
7 Attorney Information Sheet contemporaneously with this Application.

8 The Unsecured Creditors filed a timely Proof of Claim in an amount of \$11,358,662.28
9 making them the largest unsecured creditor in Class A-4 General Unsecured Claim Against
10 USACM of the Debtor's Third Amended Joint Chapter 11 Plan of Reorganization.

11 On December 4, 2006, Bunch submitted a ballot rejecting the Debtors' Third Amended
12 Joint Chapter 11 Plan of Reorganization (the "Plan"). On December 11, 2006, USACM filed its
13 Objection to Proof of Claim No. 1099 Filed by Del and Ernestine Bunch (the "Bunch
14 Objection") seeking to disallow the Bunch Claim in its entirety. Hearing on the Bunch Objection
15 is not scheduled to be heard until January 17, 2007. Hearing on confirmation of the Debtor's
16 Plan (the "Confirmation Hearing") is scheduled for December 19, 2006. Clearly, the Bunch
17 Objection will not be adjudicated before the Confirmation Hearing resulting in the disregard of
18 the Bunch ballot rejecting the Plan. Given that USACM filed the Bunch Objection eight days
19 before the Confirmation Hearing, a expedited consideration of the Motion is justified and
20 warranted.

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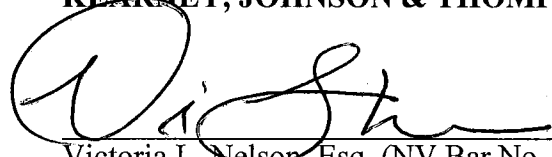
28 ...

CONCLUSION

WHEREFORE, based on the foregoing, the Unsecured Creditors Del and Ernestine Bunch respectfully request that this Court issue an order shortening time to hear the Motion and for such other and further relief as this Court deems just and proper.

DATED this 15th day of December, 2006.

**SANTORO, DRIGGS, WALCH,
KEARNEY, JOHNSON & THOMPSON**



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